

SUPERIOR COURT IN THE STATE OF CALIFORNIA, COUNTY OF YOLO

PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

Case CR-F -08-0003355

vs.

MINUTE ORDER

MARCO ANTONIO TOPETE

Defendant

Judge: TIMOTHY L. FALL
Clerk: EVELYN PEDROIA
Reporter: JEANETTE BAKER

Date: June 12, 2009

NATURE OF PROCEEDINGS: STATUS CONFERENCE REVIEW

Counsel for the People: GARRETT HAMILTON, DDA

Counsel for the Defendant: HAYES GABLE, ATTORNEY
THOMAS PURTELL, ATTORNEY

1:30 p.m.

All counsel and the defendant present in open court and ready to proceed.

Court addresses the People's Notice, Declaration, and Points and Authorities in Support of Motion to Compel Defendant to Provide Handwriting Exemplars.

Both defense counsels acknowledge receiving the motion yesterday and request time to respond.

Court orders opposition brief to be filed and served by 6/26/09.

Mr. Purtell informs the court that the defendant wishes to address the court.

The defendant states that he believes there are grounds for disqualification for reasons as stated on the record. The defendant requests that the Court disqualifies themselves based in part for failure to disclose.

The Court responds to the defendants request by reminding the defendant that the Court gave a full disclosure on the record on August 12, 2008 at the time of arraignment on the Indictment and that the defendant was present at that time. Therefore the Court will not recuse itself.

Mr. Gable addresses the Court next. Informs the Court that the defense will not be ready for trial that is currently set on December 3, 2009.

Court orders defense counsel to file and serve a written Motion for Continuance by 7/10/09.

People's response to be filed and served by 7/24/09.

Both the People's Motion to Compel and defense Motion to Continue Trial will be heard on Monday, August 3, 2009 at 9:00 a.m. in Dept. 2.

Mr. Gable also informs the Court the defense may wish to file motions under seal.

The Court orders that a formal written request for filing under seal must be filed prior to filing any motions under seal.

Jury questionnaires addressed next. All counsels have met twice. Counsel for the People has a proposed questionnaire with him today both in paper and disk form. On the paper questionnaire the disputed areas are reflected in blue and agreed upon areas are reflected in black.

There being no opposition by defense counsel, counsel for the People submits both paper and disk questionnaire to the Court for review.

The proposed questionnaire will be further addressed on August 3, 2009.

Mr. Purtell requests that both he and Mr. Gable be provided a daily transcript. At this time only one transcript is generated for defense counsel.

Unless defense counsel is prepared to pay the cost of an additional transcript, the Court denies Mr. Purtell's request.

Mr. Gable inquires if he could get an electronic transcript in lieu of a paper transcript.

Court directs Mr. Gable to contract the court reporters office.

There being nothing further today, court stands adjourned.

Defendant remanded into the custody of the Sheriff. Bail remains set at NO BAIL.

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